

CALIFORNIA STATE PERSONNEL BOARD MEETING
801 Capitol Mall
Sacramento, California

Public Session Location - Room 150
Closed Session Location - Room 141

FULL BOARD MEETING MINUTES

NOVEMBER 2, 1999

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

1. ROLL CALL

BOARD MEMBERS PRESENT:

Florence Bos, President
Sean Ron Alvarado, Vice President
Richard Carpenter, Member
William Elkins, Member
Sean Harrigan, Member

2. REPORT OF THE EXECUTIVE OFFICER - Walter Vaughn
(Report presented by Linda Brooks, Assistant Executive Officer)

The Board was advised of the following:

- A. The Executive Officer is attending the State and Consumer Service Agency budget hearing.
- B. Three members of the Executive staff are now graduates of the first group to complete the California Leadership Institute (CLI). The Assistant Executive Officer is also on the CLI steering committee.
- C. The Governor's Diversity Task Force met last week and three subcommittees were formed: 1) Education; 2) Contracting; 3) Employment. Board member Elkins and the Agency Undersecretary will co-chair the Employment

Subcommittee and the State Personnel Board will provide staff support.

3. REPORT OF THE CHIEF COUNSEL - Elise Rose

The Chief Counsel reported on:

Pending Litigation

- A. Burks v. State Personnel Board - Mr. Burks has appealed the Superior Court's denial of his petition for writ of mandate.
- B. Alexander v. State Personnel Board - You have received copies of the unpublished decision in this case, affirming the Superior Court ruling that the Board's handling of this request to file charges matter was in compliance with the law and reaffirming that the Board is not required to hold a hearing prior to deciding whether to grant consent to a party to file charges.
- C. Aguirre v. State Personnel Board - The Fourth District Court of Appeal affirmed a Superior Court ruling upholding the Board's decision affirming the non-punitive termination by the Department of Corrections of a Vocational Instructor of computer technology who failed to obtain a teaching credential, a requirement for the instructor position.
- D. Chavez v. State Personnel Board - The Fourth District Court of Appeal, in an unpublished opinion affirmed the Superior Court's judgment upholding a decision by the Board sustaining the termination of a Production Manager III for failure to exercise his administrative managerial responsibilities, which resulted in an inmate embezzling more than \$10,000 in state funds. The court rejected many of the appellant's contentions based on his failure to raise them in Superior Court, found that the managerial discipline statutes were properly applied in this case to put the burden of proof on the appellant, and rejected his due process claims.

Other Matters

- A. State Employee Mediation Program Training for Volunteer Mediators is currently in session. We have 24 participants from separate departments, some of which

are participating in the program for the first time, and 2 employee representative groups.

- B. The Chief Administrative Law Judge has received quarterly reports from the Administrative Law Judges regarding compliance with statutory timeframes for rendering appeals.

4. NEW BUSINESS

A. SCHEDULING OF ELECTION OF BOARD OFFICERS

ACTION: Election of Board Officers will be held during the December 7-8, 1999 Board meeting.

5. REPORT ON LEGISLATION - Judy Balmain

The Board was advised of the following:

- A. Judy Balmain, Director of Legislation, distributed to the Board members the Legislative Summary for 1999.
- B. The Board was advised that the meeting to discuss legislative proposal with the State and Consumer Service Agency has been set for November 8, 1999. Rescheduled from the reported date of December 6, 1999.

6. CORRESPONDENCE FROM CONTRACTORS' STATE LICENSE BOARD (CSLB) REQUESTING A HEARING ON AUTHORITY TO ADMINISTER CEA EXAMINATIONS

ACTION: The Board unanimously determined that there was nothing in the applicable laws or rules that precluded the Executive Officer from rescinding previously delegated testing authority; nevertheless, the Board decided to defer any decision on CSLB's request for a hearing until after the adjudication of any administrative appeals filed by CSLB employees whose CEA appointments have been, or may be, voided by the Executive Officer.

VOTE: Bos, Alvarado, Carpenter, Elkins, Harrigan - Aye.

7. ORAL ARGUMENT

Oral argument in the matter of **ANDY G. INGERSOLL**, CASE NO. 98-3517. Appeal from denial of reasonable accommodation, discrimination based on disability, and constructive medical suspension. Department of Transportation.

Persons Participating:

Kelley Stimpel Rasmussen, Attorney at Law, representing appellant

Judith Ann Smith, Senior Legal Analyst, Department of Transportation, representing Department

ACTION: Submitted

8. ORAL ARGUMENT

Oral argument in the matter of **DUANE WILES**, CASE NO. 98-4304. Appeal from dismissal. Department of Transportation.

Persons Participating:

Marcia Mooney, Labor Relations Representative, California State Employees Association, representing appellant

Lydia Lewis, Senior Legal Analyst, Department of Transportation, representing Department

ACTION: Submitted

9. PEACE OFFICER DRUG USE HEARING

The proposed regulatory action provides state agencies with discretion to consider and allow individuals who have feloniously used a drug to take Peace Officer examinations after a disqualification period of five years, if the drug use took place between the ages of 18-22.

Persons Participating:

Steve Unger, Manager I, Personnel Resources and Innovation Division, California State Personnel Board

Doug Orr, Assistant Commissioner, Field, California Highway Patrol

ACTION: On November 2, 1999, Board adopted staff's recommendation.

VOTE: Bos, Alvarado, Carpenter, Elkins, Harrigan - Aye.

10. PLANNING SESSION

ACTION: Planning session held

BOARD ACTIONS

11. STATE PERSONNEL BOARD SUMMARY MINUTES OF
OCTOBER 5 and 19, 1999

ACTION: Adopted on November 2, 1999.

VOTE: Bos, Alvarado, Carpenter, Elkins, Harrigan - Aye.

12. ACTION ON SUBMITTED ITEMS

ACTION: (See pages 16-17)

13. ADMINISTRATIVE LAW JUDGE CASES

On November 2, 1999, the Board adopted the following decisions presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Bos, Alvarado, Carpenter, Elkins, Harrigan - Aye.

CHIEF COUNSEL RESOLUTIONS

MICHAEL F. BRITT, CASE NO. 98-0899

Appeal from dismissal

Department of Housing and Community Development

ACTION: Board adopted resolution vacating decision adopted on May 4-5, 1999, and adopted settlement agreement as its decision in SPB Case No. 98-0899

EMIL POLLAK, CASE NO. 98-0256

Appeal from demotion

Board of Equalization

ACTION: Board adopted resolution on court remand; IT IS RESOLVED AND ORDERED THAT: 1) The Board set aside prior decision in SPB Case No. 98-0256; 2) The Office of the Chief Counsel shall draft a decision consistent with the direction of the Board concerning the appropriate penalty to be imposed in SPB Case No. 98-0256 in light of the judgement of the Superior Court, for consideration by the Board during it's meeting of November 16, 1999.

PROPOSED DECISIONS

JOHN MILLER, CASE NO. 99-0850
Appeal from dismissal
Department of Mental Health
ACTION: Dismissal Sustained

GAYLE McCORMICK, CASE NO. 99-1549
Appeal from demotion
Department of Corrections
ACTION: Administrative Law Judge's proposed decision
rejected by Board. Board to decide case itself.

CHRISTINE FEARING, CASE NO. 99-0448
Appeal from constructive medical termination
California State University at Northridge
ACTION: Appeal Denied for Lack of Jurisdiction

ROBERT M. CHAMPE, CASE NO. 99-0571
Appeal from 60 days suspension
Department of Corrections
ACTION: Suspension Modified to 30 Days Suspension

ROBERT M. CHAMPE, CASE NO. 98-5021
Appeal from official reprimand
Department of Corrections
ACTION: Official Reprimand Sustained

HARRY C. BARRETT, CASE NO. 99-0234
Appeal from 30 working days suspension
Department of Transportation
ACTION: Suspension Sustained

MANUEL R. SANCHEZ, CASE NO. 99-1906
Appeal from dismissal
Employment Development
ACTION: Board adopted findings of fact, but revoked
dismissal.

GLENDA F. JONES, CASE NO. 99-3076
Appeal from official reprimand
Department of the Youth Authority
ACTION: Official Reprimand Sustained

JON A. DOMINGUEZ, CASE NO. 99-2988
Appeal from 5 percent reduction in Salary for 6 months
Department of the Youth Authority
ACTION: Not acted upon, to be re-submitted at the 11/16/99
Board meeting

IBRAHIM KEITA, CASE NO. 99-1035

Appeal from dismissal

Department of Developmental Services

ACTION: Dismissal to 6 Months Suspension Modified

BRENDA JOYCE NEWMAN, CASE NO. 99-0973

Appeal from reduction in salary to maximum step of Range A
for 12 months

Department of Justice

ACTION: Reduction in Salary Sustained

PATRAIC KELLY, CASE NO. 98-4843

Appeal from 1 step reduction in Salary for 8 months

Department of Transportation

ACTION: Reduction in Salary Revoked

CHARLOTTE CRISP, CASE NO. 98-3606

Appeal from dismissal

Department of Mental Health

ACTION: Board adopted findings of fact, but modified
dismissal to 10-calendar day's suspension

DANIEL HENDERSON, CASE NO. 99-2809

Appeal from TAU termination with fault

Department of Parks and Recreation

ACTION: Appeal from TAU Termination Denied and Name Not
Cleared

LYNN MARKEY-JACOBS, CASE NO. 99-2497

Appeal from 5 percent reduction in Salary for 3 months

Department of General Services

ACTION: Reduction in Salary Sustained

TERRI PENCOVIC, CASE NO. 99-2717

Appeal from 5 percent reduction in Salary for 5 months

Department of Transportation

ACTION: Reduction in Salary Modified to Official Reprimand

RUTH JOHNSON, CASE NO. 98-2433

Complaint for discrimination/retaliation

Department of Corrections

ACTION: Complaints of Discrimination/Retaliation Denied

ROBERT SMITH, CASE NO. 99-1553

Appeal from dismissal

Department of Justice

ACTION: Respondent's motion to dismiss pursuant to
Government Code 19579 is granted, and appellant's appeal to
the State Personnel Board is deemed withdrawn due to his

nonappearance and failure to proceed at the hearing scheduled for and convened on September 29, 1999.

PETITIONS FOR REHEARING

SHAWANNA JOHNSON, CASE NO. 99-0212
Appeal from 10 percent reduction in salary for 12 pay periods
Department of the Youth Authority
ACTION: Petition for Rehearing Filed by Appellant Denied

ANGELA BLAKES, CASE NO. 98-3598
Appeal from official reprimand
Department of the Youth Authority
ACTION: Petition for Rehearing Filed by Respondent Denied

LAURIAN FRANKLIN, CASE NO. 98-3741
Appeal from dismissal
Department of the Youth Authority
ACTION: Petition for Rehearing Filed by Appellant Denied

YVONNE VILLANUEVA, CASE NO. 97-3061
Appeal from dismissal
Department of Corrections
ACTION: Petition for Rehearing Filed by Respondent Denied

DEANNA DAVIES, CASE NO. 99-0073
For determination of back salary, Benefits and interest after reinstatement
State Board of Equalization
ACTION: Petition for Rehearing Filed by Appellant Granted

14. RESOLUTION RE NOTICE OF GOVERNMENT CODE SECTION 18671.1 EXTENSION. (See pages 18-20)
15. MISCELLANEOUS APPEALS DIVISION CASES
(Discrimination Complaints, Withholds, Voided Appointments, Rule 211 Appeals, Petitions for Rehearing)
On November 2, 1999, the Board adopted the following decision presented by Linda Brooks, Assistant Executive Officer, California State Personnel Board.
VOTE: Bos, Alvarado, Carpenter, Elkins, Harrigan - Aye.

DISCRIMINATION COMPLAINT

- A. JAMES ALLEN, Case No. 98-2644
Classification: Correctional Lieutenant
ACTION: DENIED

WITHHOLD CASES

- B. LOUIE FRAIRE, Case No. 99-3407
Classification: Correctional Officer
ACTION: GRANTED
- C. THOMAS TERRAZAS, Case No. 98-4240
Classification: Cadet, California Highway Patrol
ACTION: DENIED
- D. STEFAN AFDAHL, Case No. 99-2833
Classification: Correctional Officer
ACTION: DENIED
- E. TIMOTHY RAY BERRY, Case No. 99-2834
Classification: Correctional Officer
ACTION: DENIED
- F. YEMISI FALOWO, Case No. 99-2954
Classification: Correctional Officer
ACTION: DENIED
- G. GREGORY WILLIAMS, Case No. 98-4684
Classification: Special Investigator I
ACTION: DENIED
- H. MONTY WHITAKER, Case No. 99-2830
Classification: Correctional Officer
ACTION: DENIED
- I. RAQUEL E. ANAYA, Case No. 99-3034
Classification: Correctional Officer
ACTION: DISMISSED - No timely response to SPB request for information.
- J. ERIK MILES HANNON, Case No. 99-3031
Classification: Correctional Officer
ACTION: DISMISSED - No timely response to SPB request for information.
- K. HUMBERTO SIERRA, Case No. 99-3762

Classification: Correctional Officer
ACTION: DISMISSED - No timely response to SPB request
for information.

16. MEDICAL APPEALS

On November 2, 1999, the Board adopted the following decision
presented by Linda Brooks, Assistant Executive Officer,
California State Personnel Board.

VOTE: Bos, Alvarado, Carpenter, Elkins, Harrigan - Aye.

- A. ELIZABETH PEREZ, Case No. 98-3972
Classification: Correctional Officer
ACTION: GRANTED
- B. WENDY ARMSTRONG, Case No. 99-0326
Classification: Special Agent, Department of Justice
ACTION: DENIED
- C. CHRISTINE CASTEEL, Case No. 98-4575
Classification: Correctional Officer
ACTION: DENIED
- D. DENISE HENDERSON, Case No. 98-1112
Classification: Staff Psychiatrist
ACTION: DENIED
- E. SHEILAH KIMBLE, Case No. 99-0181
Classification: Correctional Officer
ACTION: DENIED
- F. CHARLES ALLEN, Case No. 99-4023
Classification: Correctional Officer
ACTION: GRANTED
- G. PATRICK BURNETT, Case No. 99-4031
Classification: Cadet, California Highway Patrol
ACTION: GRANTED
- H. MATTHEW CASEY, Case No. 99-3506
Classification: Cadet, California Highway Patrol
ACTION: GRANTED
- I. DORA CASTLEBERRY, Case No. 99-3654
Classification: Correctional Officer
ACTION: GRANTED
- J. LUIS CEBALLOS, Case No. 99-3869
Classification: Correctional Officer

ACTION: GRANTED

- K. GERALD GRAHAM, Case No. 99-3653
Classification: Correctional Officer
ACTION: GRANTED
- L. MARK HAMERSLEY, Case No. 99-3505
Classification: Correctional Officer
ACTION: GRANTED
- M. LORETTA MCCANN, Case No. 99-3556
Classification: Correctional Officer
ACTION: GRANTED
- N. SCOTT TERRA, Case No. 99-4154
Classification: Cadet, California Highway Patrol
ACTION: GRANTED
- O. CHRISTOPHER THOMAS, Case No. 99-4084
Classification: Cadet, California Highway Patrol
ACTION: GRANTED
- P. WALT THOMASON, Case No. 99-1162
Classification: Special Investigator I
ACTION: GRANTED
- Q. BRANDY WEAVER, Case No. 99-3409
Classification: Correctional Officer
ACTION: GRANTED
- R. DAVID NELSON, Case No. 99-0488
Classification: Correctional Officer
ACTION: DISMISSED - No timely response to SPB request for information.
- S. CARLOS PANGALDAN, Case No. 99-1766
Classification: Correctional Officer
ACTION: DISMISSED - No timely response to SPB request for information.
- T. KARLA ROMERI, Case No. 99-1161
Classification: Correctional Officer
ACTION: DISMISSED - No timely response to SPB request for information.

17. EXAMINATION APPEALS

On November 2, 1999, the Board adopted the following decision presented by Linda Brooks, Assistant Executive Officer, California State Personnel Board.

VOTE: Bos, Alvarado, Carpenter, Elkins, Harrigan - Aye.

- A. GROUP APPEAL (CS) Case Number's attached
 Final Filing Date: July 17, 1997
 Examination: Written examination
 Class: Correctional Sergeant
 Testing Agency: Department of Corrections
 Appeal Received: May 1, 1998
 ACTION: Resolution Adopted
- B. GROUP APPEAL (TET) Case Number's attached
 Final Filing Date: October 22, 1998
 Examination: Written examination
 Class: Transportation Engineering
 Technician
 Testing Agency: Department of Transportation
 Appeal Received: November 4, 1999
 ACTION: DENIED
- C. TIMOTHY HARRIS Case Number 98-5147
 Final Filing Date: December 19, 1998
 Examination: Supplemental Application
 Survey
 Class: Caltrans Highway Maintenance
 Worker
 Testing Agency: Department of Transportation
 Appeal Received: December 28, 1998
 ACTION: DENIED
- D. LUCILLE HOLGUIN Case Number 98-2328
 Final Filing Date: March 20, 1998
 Examination: Qualifications Appraisal
 Interview
 Class: Staff Services Manager I
 Testing Agency: Department of Mental Health
 Appeal Received: June 18, 1998
 ACTION: DENIED
- E. JON JOHNSON Case Number 98-3721
 Final Filing Date: NO BULLETIN IN FOLDER
 Examination: NO BULLETIN IN FOLDER
 Class: Staff Services Analyst
 (General)
 Testing Agency: State Personnel Board
 Appeal Received: September 04, 1998
 ACTION: DENIED

- F. LIA A. SULLIVAN Case Number 98-3370
Final Filing Date: NO BULLETIN IN FOLDER
Examination: NO BULLETIN IN FOLDER
Class: Staff Services Analyst
(General)
Testing Agency: State Personnel Board
Appeal Received: August 24, 1998
ACTION: DENIED
- G. DUECK, STELLA Case No. 99-0133
Final Filing Date: October 15, 1998
Examination: Oral Interview
Class: Baker II, Correctional
Facility
Testing Agency: Department of the Youth
Authority
Appeal Received: January 11, 1999
ACTION: GRANTED

18. MERIT ISSUE COMPLAINT APPEALS

On November 2, 1999, the Board adopted the following decision presented by Linda Brooks, Assistant Executive Officer, California State Personnel Board.

VOTE: Bos, Alvarado, Carpenter, Elkins, Harrigan - Aye.

- A. JOHN SHERMAN, Case No. 98-4620
Classification: Warehouse Manager II
ACTION: DENIED
- B. KENNETH P. SWITRAS, Case No. 98-1413
Classification: Guide I, Historical Monument
ACTION: DENIED

19. NON-HEARING CALENDAR

On November 2, 1999, the Board adopted item "A." This item was presented by Laura Aguilera, Chief, Personnel Resources and Innovation Division, California State Personnel Board.

VOTE: Bos, Alvarado, Carpenter, Elkins, Harrigan - Aye.

- A. FISH AND WILDLIFE TECHNICIAN
FISH AND WILDLIFE ASSISTANT I
FISH AND WILDLIFE ASSISTANT II
FISH CULTURIST
The Department of Fish and Game proposes to establish the deep class of Fish and Wildlife Technician with a

12-month probationary period; adopt Alternate Range 413; and abolish the Fish and Wildlife Assistant I and II, and the Fish Culturist classifications.

20. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

A. CEA POSITION ACTIONS CURRENTLY UNDER CONSIDERATION

- (1) ASSISTANT EXECUTIVE DIRECTOR, CALIFORNIA
INFRASTRUCTURE & ECONOMIC DEVELOPMENT BANK
The California Trade and Commerce Agency proposes to allocate the above position to the CEA category. The agency indicates that this position will report to the Executive Director, California Infrastructure & Economic Development Bank and will be responsible for the administrative duties for all of the programs of the Bank and will work closely with the Executive Director and the Agency Secretary to formulate and implement policies and procedures to best meet the Bank's goals and objectives.
- (2) COMMUNITY FACILITIES DIRECTOR
The Department of Developmental Services proposes to allocate the above position to the CEA category for a limited duration of two years. The Department indicates that this position will report to the Deputy Director, Developmental Centers Division and will manage the Community Facilities Development Program which is responsible for: developing and managing small community-based, state-operated, residential treatment facilities (SRTF's) for persons with developmental disabilities; contract development and management of community partnership opportunities; and negotiating flexibilities and program waivers for SRTF's.
- (3) DIRECTOR, SECURITIES MANAGEMENT DIVISION
The State Treasurer's Office proposes to allocate the above position to the CEA category. The department indicates that this position will report to the State Treasurer and will be responsible for the missions, goals, objectives

and operations of the Bondholder Services,
Securities Clearance and Local Agency Security

Program Sections; and will be responsible for setting policy for the division's programs.

ACTION: Noted

21. WRITTEN STAFF REPORT FOR BOARD INFORMATION

- A. California State Personnel Board's 1998-99 Annual Census of State Employees and Affirmative Action Report for the Governor and Legislature.

ACTION: Report presented

A D J O U R N M E N T

SUBMITTED

1. RALPH REY, CASE NO. 98-2752. Appeal from dismissal. Department of Mental Health. (Oral argument held August 3, 1999.)

ACTION: On November 2, 1999, adopted Board decision modifying dismissal to 10 working days suspension.*

VOTE: Bos, Alvarado, Carpenter, Elkins, Harrigan - Aye.

2. MICHAEL JACKSON, CASE NO. 98-1818. Appeal from dismissal. Department of Youth Authority. (Oral argument held August 3, 1999.)

ACTION: On November 2, 1999, adopted Board decision modifying dismissal to a 30 day suspension.

VOTE: Bos, Alvarado, Carpenter, Elkins, Harrigan - Aye.

3. MICHAEL CARL, CASE NO. 98-4549. Appeal from 5 days suspension. Department of Corrections. (Oral argument held August 3, 1999.)

ACTION: On November 2, 1999, adopted Board decision revoking 5 day's suspension.

VOTE: Bos, Alvarado, Carpenter, Elkins, Harrigan - Aye.

4. JOHN W. CONES, CASE NO. 98-3003. Appeal from dismissal. Department of Corrections. (Oral argument held September 8, 1999.)

NO ACTION

*Adopted as Precedential Decision #99-10. [NOTE: Precedential Decisions of the State Personnel Board are published and available by subscription from Continuing Education of the Bar (CEB) in Berkeley. To Subscribe, call CEB, toll free, at (800) 924-3924.]

5. PAMELA A. KING, CASE NO. 98-1586. Appeal from dismissal. Department of the Youth Authority. (Oral argument held September 8, 1999.)

NO ACTION

6. TERRY KNOX, CASE NO. 98-2862. Appeal from dismissal. Department of Corrections. (Oral argument held September 8, 1999.)

ACTION: On November 2, 1999, adopted Board decision modifying dismissal to a 15 month suspension.

VOTE: Bos, Alvarado, Carpenter, Elkins, Harrigan - Aye.

7. ALBERT ESCAMILLA, CASE NO. 98-4378. Appeal from dismissal. Department of Corrections. (Oral argument held October 5, 1999.)

ACTION: On November 2, 1999, adopted Board decision modifying dismissal to one-year suspension.

VOTE: Bos, Alvarado, Carpenter, Elkins, Harrigan - Aye.

8. IGNACIO SALAZAR, CASE NO. 98-1560. Appeal from dismissal. Department of Corrections. (Oral argument held October 5, 1999.)

ACTION: On November 2, 1999, adopted Board decision revoking dismissal.

VOTE: Bos, Alvarado, Carpenter, Elkins, Harrigan - Aye.

9. THERESA LUCARELLI, CASE NO. 98-5149. Appeal from 60 calendar days suspension. Department of Corrections. (Written argument submitted October 5, 1999.)

ACTION: On November 2, 1999, adopted Board decision sustaining 60 calendar days suspension.

VOTE: Bos, Alvarado, Carpenter, Elkins, Harrigan - Aye.

NOTICE OF GOVERNMENT CODE § 18671.1 RESOLUTION

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional forty-five days, the Board hereby publishes its substantial reasons for the need for the forty-five day extension for some of the cases now pending before it for decision.

An additional forty-five days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than 6 months as of the date of the Board meeting.

GOVERNMENT CODE § 18671.1 RESOLUTION

WHEREAS, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

WHEREAS, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

WHEREAS, the Agenda for the instant Board meeting included an item titled "Notice of Government Code § 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

WHEREAS, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

* * * * *

I hereby certify that the State Personnel Board made and adopted the preceding resolution at its meeting on November 2, 1999.

WALTER VAUGHN
Executive Officer
California State Personnel Board

VOTE: Bos, Alvarado, Carpenter, Elkins, Harrigan - Aye.